

THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

JOHNNY O'BRYANT

PLAINTIFF

V.

CIVIL ACTION NO. 1:07cv477 LG-RHW

HARRISON COUNTY ADULT  
DETENTION CENTER, HARRISON  
COUNTY, MISSISSIPPI, SHERIFF GEORGE  
PAYNE, JR., WARDEN DONALD A.  
CABANA, CHAPLAIN JOE COLLINS,  
RHONDALYN ROGERS, FORMER DEPUTY  
KARL STOLZE, AND FORMER DEPUTY  
RICK GASTON

DEFENDANTS

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**FIRST SET OF REQUESTS FOR ADMISSIONS PROPOUNDED TO PLAINTIFF BY  
DEFENDANTS, SHERIFF GEORGE PAYNE, JR., WARDEN DONALD A. CABANA,  
RHONDALYN ROGERS AND CHAPLAIN JOE COLLINS**

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COME NOW Defendants, George Payne, Jr., individually and in his official capacity as Sheriff of Harrison County, Mississippi, Warden Donald A. Cabana, in his official and individual capacity, Rhondalyn Rogers, in her official and individual capacity, and Chaplain Joe Collins (herein referred to collectively as the "Defendants") by and through their counsel of record, Dukes, Dukes, Keating & Faneca, P.A., pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, and request Plaintiff, Johnny O'Bryant, to admit or deny the following:

**REQUESTS FOR ADMISSIONS**

**REQUEST FOR ADMISSION NO. 1:** Admit that you have no evidence to support your claim that Defendants Payne and Cabana were in any way responsible for any of the incidents alleged in your pleadings filed in this cause.

**REQUEST FOR ADMISSION NO. 2:** Admit that you have no evidence of any policy, custom, or practice of the Harrison County Sheriff that caused any of the allegations asserted in your pleadings.

**REQUEST FOR ADMISSION NO. 3:** Admit that you have no evidence that Defendants

**REQUEST FOR ADMISSION NO. 4:** Admit you have no physical, documentary, circumstantial, or other tangible evidence which supports the allegations contained in your pleadings filed in this cause.

**REQUEST FOR ADMISSION NO. 5:** Admit that you were never physically injured in any manner during the period of your incarceration at the Harrison County Adult Detention Center as a result of the allegations in your Complaint, Amended Complaints and other pleadings.

**REQUEST FOR ADMISSION NO. 6:** Admit that you did not file a grievance relating to the matters outlined in your pleadings filed in this cause.

**REQUEST FOR ADMISSION NO. 7:** Admit that Defendants Payne, Rogers or Collins were not personally involved in any of the matters alleged in your Complaint, Amended Complaints, or other pleadings.

THIS the 2<sup>nd</sup> day of November, 2007.

Respectfully submitted,

**SHERIFF GEORGE PAYNE, JR., WARDEN  
DONALD A. CABANA, RHONDALYN ROGERS  
and CHAPLAIN JOE COLLINS, Defendants**

By and Through Their Attorneys,  
**DUKES, DUKES, KEATING & FANECA, P.A.**

By: s/David N. Duhé  
Cy Faneca, Mississippi Bar No. 5128  
David N. Duhé, Mississippi Bar No. 102047

DUKES, DUKES, KEATING & FANECA, P.A.  
2909 13<sup>th</sup> Street, Sixth Floor  
Post Office Drawer W  
Gulfport, Mississippi 39502  
Telephone: (228) 868-1111  
Facsimile: (228) 863-2286  
[cy@ddkf.com](mailto:cy@ddkf.com)  
[dduhe@ddkf.com](mailto:dduhe@ddkf.com)

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that I have filed a true and correct copy of the above and foregoing pleading using the Court's ECF system and notification will automatically be provided to the following:

Karen Young, Esq.  
Meadows Riley Law Firm  
Post Office Box 1076  
Gulfport, Mississippi 39502

I further certify that I have mailed a true and correct copy of the above and foregoing via United States mail, first class, postage fully prepaid to the following:

Johnny O'Bryant, #289746  
Harrison County Adult Detention Center  
B-B  
10451 Larkin Smith Drive  
Gulfport, Mississippi 39503

SO CERTIFIED, this the 2<sup>nd</sup> day of November, 2007.

s/David N. Duhé  
David N. Duhé